

**Notice of Allowability**

Application No.

09/922,066

Applicant(s)

GODEL ET AL.

Examiner

Art Unit

Sudhaker B. Patel, D.Sc.Tech.

1624

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/20/04.
2. ☒ The allowed claim(s) is/are 1-6,8,9,35,39-40,42,44,45,52,69 and 78-80.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/20/04 has been entered.

3. Applicants' communication paper dated 1/20/04 is acknowledged. Applicants have cancelled claims 7,10-34,36-38,41,43,46-51,53-68,70-77, amended claims 1-6,8,9,35,39,40,42,44,45,52,69, and presented new compound claims 78-80. Therefore, the claims under consideration are the claims 1-6,8,9,35,39,40,42,44,45,52,69,78-80, which are renumbered as claims 1-19.

**4. Election/Restrictions**

5. Applicants' above stated cancellation, amendments, and presentation of claims have limited the claimed invention to the subject matter elected and searched by the examiner. The restriction/election was made FINAL in earlier Office communication dated 7/17/03.

6. Applicants' above stated cancellation, amendments together with their remarks and arguments are sufficient for withdrawal of the rejections made under 35 U.S.C. 112 paragraph second. Therefore, the same have been now withdrawn.

7. Applicants have cancelled claims 71-77, amended claims 1-6, 8,9,35,39,40,42,44,45,52,69, and presented new compound claims 78-80. Thus, applicants now affirm that the instant claims are now limited to the subject matter as claimed in their priority papers (EP 00117003).

(1). Applicants have provided Declaration under 37 C.F.R. 1.132 as paper # 10 dated 4/29/03 related to 35 U.S.C. 102(e) rejections against U.S.P. 6297375.

(2). Applicants have provided TD as paper # 14 dated 8/22/03 for DP rejections against U.S.P. 6297375.

(3). The closest prior art reference Yanagisawa et al (WO 98211185) teaches Arylureas or arylmethyl carbamoyl derivatives with a core: "6-position occupied by R4-4-position occupied by R3/phenyl-3-position occupied by NH or CH2-CO-NH-CH (R1)(R2)-pyridine wherein R4 is halogen or pyridine, piperidine, morpholine, R1/R2 are H, or alkyl or heteroaryl.

(4). The ref. '185 does not indicate or suggest to arrive at the instant compounds with a core: "6-position occupied by R1- 4-position occupied by phenyl substituted by methyl, halogen etc. in 2' position, 3-position occupied by-CO-N (R8)-CH (R3/R3'-Phenyl substituted by -(R4) n and R4' wherein R8, R3, R3' are H or alkyl, R4/R4' are H, alkyl, CF3, alkoxy.

8. Therefore, the instant invention is deemed to be novel and patentably distinct.

Art Unit: 1624

9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sudhaker B. Patel, D.Sc.Tech. whose telephone number is (571) 272-0671.

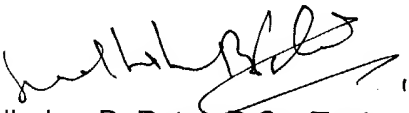
The examiner can normally be reached on 6:30 to 5:00 pm (Monday-Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Mukund J. Shah can be reached on (571) 272 0674 or Sr. Examiner Mr. Richard Raymond at (571) 272 0673 or Mr. James Wilson at (571) 272-0661.

The assigned centralized fax number for the organization/USPTO for processing of this application or its proceedings is (703)-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 1235.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sudhaker B. Patel, D.Sc. Tech.  
March 11, 2004.



MUKUND SHAH  
SUPERVISORY PATENT  
EXAMINER  
ART UNIT 1624